

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL ACTION NO.: 3:19-CR-29
(GROH)**

MICHAEL KENNEDY,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO CONTINUE
PRE-TRIAL, TRIAL AND SCHEDULING DEADLINES**

Now before the Court is the Defendant's Motion to Continue Pre-trial, Trial and Scheduling Deadlines. ECF No. 06. Therein, the Defendant moves the Court to continue the pretrial and trial in this matter, currently scheduled for May 30, 2019, and June 4, 2019, respectively. In support, defense counsel requests additional time to review discovery in this matter and investigate possible defenses and possibly retain an expert. The Defendant also requests additional time to explore a possible plea in this matter. The Government does not oppose the motion.


Upon consideration, the Court finds good cause to grant the motion and continue trial in this case. The Court has considered the factors outlined in 18 U.S.C. § 3161 and finds that the ends of justice served by granting the continuance outweigh the best interest of the public and the Defendant in a speedy trial. Specifically, the Court finds that this time shall be excluded from speedy trial computation because failure to grant a continuance would unreasonably deny the Defendant continuity of counsel. See 18

U.S.C. § 3161(h)(7)(B)(iv). Additionally, failure to grant the requested continuance would be likely to result in a miscarriage of justice. See 18 U.S.C. §.3161(h)(7)(B)(i).

Accordingly, the Court **ORDERS** that the Defendant's Motion to Continue Pre-trial, Trial and Scheduling Deadlines [ECF No. 20] is **GRANTED**. The **pretrial conference** will commence on **October 3, 2019, at 9:30 a.m. in the Martinsburg District Judge Courtroom**. The **trial** will begin on **October 8, 2019, at 9:00 a.m. in the Martinsburg District Judge Courtroom**. An Amended Scheduling Order will enter forthwith.

The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record herein.

DATED: April 23, 2019


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE